

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8597 OF 2003

Shri Dnyaneshwar Govindrao Gaonkar ...Petitioner.

V/s

State of Maharashtra and Ors.

...Respondents.

Mr. C.K. Bhangoji with Mr. R.K. Mendadkar for the petitioner.

Mr. V.A. Sonpal, AGP for respondent Nos. 1 and 2.

Mr. A.R.S. Baxi for respondent No.3.

**CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.**

DATE : 13th July, 2006

P.C.:

1. By this petition, petitioner has challenged the order passed by the Caste Scrutiny Committee on 14/11/2003, invalidating the Caste Certificate issued to the petitioner stating that he does not belong to Dhanwar Scheduled Tribe.

2. On 18/8/1982, the petitioner was granted Caste Certificate certifying that he belonged to Dhanwar Scheduled Tribe. On the basis of that Certificate, he secured admission for reserved category for the degree in engineering, obtained the degree in engineering and was employed as an engineer under the reserved

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category for Scheduled Tribe. This was done on 5/9/1986. In 1989, petitioner was promoted as Assistant Engineer. In 1992, he was promoted as Deputy Executive Engineer and in 1997 he was promoted as Executive Engineer where he was working as such when this petition was filed in 2003.

3. With the assistance of the learned Counsel appearing on behalf of the petitioner and the learned AGP, we have scrutinized the order passed by the Committee. It is passed on evidence. The conclusions are proper. Hence it does not call for any interference. It is liable to be confirmed and is hereby confirmed. However, the Government of Maharashtra has issued a Resolution on 15th June, 1995 whereby employment, promotions, if any, of persons recruited or promoted on the basis of reserved category are not to be disturbed, if the recruitment has taken place prior to 15th June, 1995. From the facts mentioned above, it is clear that the petitioner was recruited in the years prior to 1995. He is, therefore, entitled to the protection of that Resolution.

4. We, therefore, dispose of this petition upholding the order dated 14/11/2003 and directing the State to

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grant all the protections available to the petitioner
under the Resolution of 15th June, 1995.

5. Petition is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)